

Message Text

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64

ACTION IO-10

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10 RSC-01

OIC-02 FEA-01 SSO-00 NSCE-00 USIE-00 INRE-00 AGR-10

CEA-01 CIAE-00 COME-00 DODE-00 EB-07 FRB-01 H-02

INR-07 INT-05 L-02 LAB-04 NSAE-00 NSC-05 PA-02 AID-05

CIEP-02 SS-15 STR-04 TAR-01 TRSE-00 PRS-01 SP-02

OMB-01 SWF-01 /145 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 8128

INFO AMEMBASSY MEXICO

AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY THE HAGUE

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY BANBERRA

AMEMBASSY DUBLIN

AMEMBASSY LUXEMBOURG

AMEMBASSY TOKYO

USMISSION GENEVA

USMISSION EC BRUSSELS UNN

USMISSION OECD PARIS UNN

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TAGS:EGEN, UNCTAD, UN

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES

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1. SUMMARY: NEGOTIATIONS ON CERDS HAVE CONCLUDED WITH

GROUP OF 77 REJECTIONS OF MAIN WESTERN AMENDMENTS TO G-77
CERDS DRAFT. MEXICO MAINTAINS VOTE IN UNGA SECOND COMMITTEE
MUST TAKE PLACE BY DECEMBER 6. END SUMMARY.

2. AT MEETING OF G-77 AND WEO'S AM DECEMBER 3, AMB GARCIA
ROBLES SAID THAT, IN RESPONSE TO WEO AMENDMENT OF ARTICLE
2 (EXPROPRIATION, ETC.) ONLY CHANGE G-77 IS NOW PREPARED
TO OFFER IS FOLLOWING: INSTEAD OF "NO STATE WHOSE NATIONALS
INVEST IN A FOREIGN COUNTRY SHALL DEMAND PRIVILEGED TREATMENT
FOR SUCH INVESTORS, SUBSTITUTE "NO STATE SHALL BE COMPELLED
TO GRANT PREFERENTIAL TREATMENT TO FOREIGN INVESTORS".
G-77 MIGHT OR MIGHT NOT BE PREPARED TO OFFER STILL FURTHER
AMENDMENTS TO ARTICLE 2, BUT GARCIA ROBLES STRESSED THAT G-77
FOUND ITS TEXT OF ARTICLE 2, ESPECIALLY WITH THE NEWLY
PROPOSED AMENDMENT, GENEROUS. HE NOTED THAT THE AMENDMENT
WOULD NOT DEBAR DIPLOMATIC REPRESENTATIONS AND HE ASKED WHO
COULD MAINTAIN THAT A STATE COULD BE COMPELLED TO GRANT
PREFERENTIAL TREATMENT?

3. USDEL EXPRESSED APPRECIATION FOR AMENDMENT AND
DISAPPOINTMENT THAT G-77 COULD NOT NOW RESPOND TO OTHER
POINTS OF WEO AMENDMENT TO ARTICLE 2. USDEL STATED NEW G-77
PROPOSAL IS AN IMPROVEMENT BUT ONE WHICH STILL POSES PROBLEMS,
E.G., THERE COULD BE ROOM FOR A DIFFERENCE OF OPINION OF WHETHER
THIS AMENDMENT CONTRADICTED CERTAIN US LEGISLATION IN FORCE.
IT ADDED THAT IT DOES NOT FIND OTHER ELEMENTS OF G-77
RENDERING OF ARTICLE 2 SUITABLE BASIS FOR AGREEMENT.

4. ON ARTICLE 3, GARCIA ROBLES STATED G-77 REJECTED WEO
AMENDMENT.

5. G-77 EQUALLY REJECTED WEO AMENDMENT TO ARTICLE 5.

6. WEO'S DECLINED G-77 OFFER TO DELETE 4TH PREAMBULAR PARA
REFERENCE TO PROGRESSIVE DEVELOPMENT AND CODIFICATION IN
EXCHANGE FOR ITS RETENTION IN TRANSITIONAL PARA. HOWEVER,
AD REFERENDUM AGREEMENT WAS REACHED UPON CHANGING, IN
FIFTH PREAMBULAR PARA OF G-77 DRAFT SUB-PARA (C), "THEIR
OBLIGATIONS UNDER" TO "THE PROVISIONS OF".

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7. ARTICLE 12. CONTACT GROUP AGREED ON FOLLOWING TEXT: "IN
THE CASE OF GROUPINGS TO WHICH STATES CONCERNED HAVE TRANSFERRED
OR MAY TRANSFER CERTAIN COMPETENCES AS REGARDS MATTERS THAT
COME WITHIN THE SCOPE OF THIS CHARTER, ITS PROVISIONS SHALL
ALSO APPLY TO THOSE GROUPINGS IN REGARD TO SUCH MATTERS
CONSISTENT WITH THE RESPONSIBILITIES OF SUCH STATES AS
MEMBERS OF SUCH GROUPINGS. THESE STATES SHALL CO-OPERATE IN THE
OBSERVANCE BY THE GROUPINGS OF THE PROVISIONS OF THIS CHARTER.

8. ARTICLE 19. WEOS DECLINED G-77 COUNTER-PROPOSAL AND INDICATED CONTINUED ADHERENCE TO PREVIOUS PROPOSAL.

9. ARTICLE 28. G-77 PROPOSED TO SUBSTITUTE IN G-77 TEXT "ACHIEVING A FEASIBLE SYSTEM OF ADJUSTMENT FOR THE PRICES" IN PLACE OF "ACHIEVING ADJUSTMENTS IN THE PRICES". WEOS INDICATED THAT THIS MINOR ADJUSTMENT DID NOT MEET OBJECTIONS TO THIS DRAFT.

10. GARCIA ROBLES CONCLUDED BY INVITING WEOS TO TABLE THEIR AMEMDMMENTS TO G-77 DRAFT TODAY IF THEY CONTINUED TO BELIEVE AMENDMENTS TO BE NECESSARY. HE SET NO TIME FOR FURTHER NEGOTIATIONS ON CHARTER, AND INFERRED THAT IN FACT NEGOTIATIONS ON IT HAVE FINISHED.

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